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EXAMINER

LOVEL, KIMBERLY M

ART UNIT PAPER NUMBER

2167

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/814,368

Applicant(s)

LAWRENCE ET AL.

Examiner

Kimberly Lovel

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/14/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-37 are rejected.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 14 October 2004 was filed after the mailing date of the application on 31 March 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Objections***

3. Claims 8, 24, 25, 27, 29, 30, 36 and 37 are objected to because of the following informalities:

**Regarding claim 8**, the claim recites the limitation "the implicit search query" in line 2. There is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 24**, the claim recites the limitation "the user search engine" in line 1 and the limitation "the user engine" in line 2. There is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 25**, the claim recites "program code for receiving a user search attribute from a user profile deriving a second search term from the user search attribute." The examiner suggests either inserting an "and" between "user profile" and "deriving" or adding a semicolon after "user profile" and inserting "program code for" before "deriving" in order to clarify the claim.

**Regarding claim 27**, the claim recites the limitation "the implicit search query" in line 3. There is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 29**, the claim recites the limitation "the search engine" in line 2. There is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 30**, the claim recites the limitation "the article identifiers" in line 2. There is insufficient antecedent basis for this limitation in the claim.

**Regarding claim 36**, the claim recites "program code for the search query based on the user search attribute." It appears that a term was omitted from the claim between the words "for" and "the." The examiner suggests inserting the term "processing" between "for" and "the" in order to maintain consistency within the independent claims.

**Regarding claim 37**, the claim recites the limitation "the user search engine" in line 2 and the limitation "the user engine" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 and 14-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application.

**Claim 1** recites a method comprising: receiving a search query comprising a first search term; receiving a user search attribute from a user profile; deriving a second search term from the user search attribute; and processing the search query based on the second search term.

In the above limitation, there is no physical transformation being claimed, a practical application would be established by a useful, concrete and tangible result. For it to be a tangible result, it must be more than a thought or a computation and must have a real world value rather than being an abstract idea. The invention as recited in the claim just merely processes the search query. The method fails to produce an end result that is either stored or displayed. Therefore it is unclear as to what kind of tangible output is obtained by these limitations. An example of a tangible result would be displaying or returning a result after processing the query as demonstrated by claims 12 and 13. **Claims 2-11 and 14-21**, which are dependent on claim 1 fail to overcome the rejection and therefore are rejected on the same grounds as claim 1.

**Claim 22** recites a method comprising: receiving a search query comprising a first search term; receiving a user search attribute from a user profile; and processing the search query based on the user search attribute.

In the above limitation, there is no physical transformation being claimed, a practical application would be established by a useful, concrete and tangible result. For it to be a tangible result, it must be more than a thought or a computation and must have a real world value rather than being an abstract idea. The invention as recited in the claim just merely processes the search query. The method fails to produce an end result that is either stored or displayed. Therefore it is unclear as to what kind of tangible output is obtained by these limitations. An example of a tangible result would be displaying or returning a result after processing the query. **Claims 23-24**, which are dependent on claim 22 fail to overcome the rejection and therefore are rejected on the same grounds as claim 22.

**Claims 25-37** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed toward "a computer-readable medium" which "causes operations to be performed," and are non-statutory because they encompass subject matter and/or embodiments which do not fall within a statutory category.

The meaning of "computer-readable medium" as disclosed in the Specification, paragraph [0012], lines 1-4, covers non-statutory embodiments which improperly include network transmission lines (interpreted as wired and wireless transmission),

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wireless transmission media, signals propagating through space, radio waves, infrared signals, etc.

According to MPEP 2106:

There is always some form of physical transformation within a computer because a computer acts on signals and transforms them during its operation and changes the state of its components during the execution of a process. Even though such a physical transformation occurs within a computer, such activity is not determinative of whether the process is statutory because such transformation alone does not distinguish a statutory computer process from a nonstatutory computer process. What is determinative is not how the computer performs the process, but what the computer does to achieve a practical application. See *Arrhythmia*, 958 F.2d at 1057, 22 USPQ2d at 1036.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1-3, 17-20, 22, 23, 25, 33, 34 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by US PGPub 20060136405 to Ducatel et al (hereafter Ducatel et al).**

**Referring to claim 1,** Ducatel et al disclose a method comprising:

receiving a search query comprising a first search term ["BBC"] (see [0063], lines 5-9 – the user can enter a query into the search box 203 and select "Search" button 205; "Search" button 205 instructs the search engine to execute the entered query);

receiving a user search attribute [set of interests 411] from a user profile [user profile 307] (see [0065], lines 2-6 and [0067], lines 3-6);

deriving [generates] a second search term [list of keywords 207] from the user search attribute [set of interests 411] (see [0065], lines 5-9); and

processing the search query [executes the query or search at step 315] based on the second search term [taking into account the users refinements] (see [0065], lines 7-12).

**Referring to claim 2,** Ducatel et al disclose the method of claim 1, wherein processing the search query comprises modifying the search query to include the second search term [keywords selected by the user] (see [0063], lines 15-20 – the user selects the keywords to include and then selects the "Refine" button which includes the selected keywords into the query).

**Referring to claim 3,** Ducatel et al disclose the method of claim 1, wherein processing the search query comprises processing a search result [displaying the search result to the user] based on the second search term [keywords selected by the



user] (see [0065], lines 5-12 – the keywords selected by the user are used to refine the query and the query is then submitted and the results are returned which is considered to represent processing a search result based on the second search term).

**Referring to claim 17**, Ducatel et al disclose the method of claim 1, wherein the user profile comprises a data store [document repository 405] (see [0066], lines 5-10 – each user has a document repository 405, which contains documents that are expected to reflect the users' interests).

**Referring to claim 18**, Ducatel et al disclose the method of claim 17, wherein the data store comprises one of a file and a database [document repository 405].

**Referring to claim 19**, Ducatel et al disclose the method of claim 1, wherein the user search attribute comprises a category [sets of interests 411] (see [0067]).

**Referring to claim 20**, Ducatel et al disclose the method of claim 1, wherein the user search attribute comprises a user preference [sets of interests 411] (see [0067]).

**Referring to claim 22**, Ducatel et al disclose a method comprising:  
receiving a search query comprising a first search term ["BBC"] (see [0063], lines 5-9 – the user can enter a query into the search box 203 and select the "Search" button 205; "Search" button 205 instructs the search engine to execute the entered query);

receiving a user search attribute [set of interest 411] from a user profile [user profile 307] (see [0065], lines 2-6 and [0067], lines 3-6); and

processing the search query [executes the search query or search at step 315] based on the user search attribute (see [0064] – the search query concurrently returns a

set of results and the alternative keywords, which are based on the user search attribute).

**Referring to claim 23**, Ducatel et al disclose the method of claim 22, wherein the user search attribute [set of interests 411] identifies a level of interest [classified by statistical significance] in a category (see [0066], lines 14-18).

**Referring to claim 25**, Ducatel et al disclose a computer-readable medium on which is encoded program code [software] (see [0081]), the program code comprising:

program code [software] for receiving a search query comprising a first search term ["BBC"] (see [0063], lines 5-9 – the user can enter a query into the search box 203 and select the "Search" button 205; "Search" button 205 instructs the search engine to execute the entered query);

program code [software] for receiving a user search attribute [set of interests 411] from a user profile [user profile 307] (see [0065], lines 2-6 and [0067], lines 3-6)

deriving [generates] a second search term [list of keywords 207] from the user search attribute [sets of interests 411] (see [0065], lines 5-9); and

program code [software] for processing the search query [executes the query or search at step 315] based on the second search term [taking into account the user's refinements] (see [0065], lines 7-12).

**Referring to claim 33**, Ducatel et al disclose the computer-readable medium of claim 25, wherein program code [software] for processing the search query comprises program code [software] for modifying the search query to include the second search term [keywords selected by the user] (see [0063], lines 15-20 – the user selects the

keywords to include and then selects the "Refine" button which includes the selected keywords with the query).

**Referring to claim 34**, Ducatel et al disclose the computer-readable medium of claim 25, wherein program code [software] for processing the search query comprises program code [software] for processing a search result [displaying the search result to the user] based on the second search term [keywords selected by the user] (see [0065], lines 5-12 – the keywords selected by the user are used to refine the query and the query is then submitted and the results are returned, which is considered to represent processing a search result based on the second search term).

**Referring to claim 36**, Ducatel et al disclose a computer-readable medium on which is encoded program code [software] (see [0081]), the program code comprising:

program code [software] for receiving a search query comprising a first search term ["BBC"] (see [0063], lines 5-9 – the user can enter a query into the search box 203 and select the "Search" button 205; "Search" button 205 instructs the search engine to execute the entered query);

program code [software] for receiving a user search attribute [set of interests 411] from a user profile [user profile 307] (see [0065], lines 2-6 and [0067], lines 3-6);  
and

program code [software] for the search query [executes the search query or search at step 315] based on the user search attribute (see [0064] – the search query concurrently returns a set of results and the alternative keywords, which are based on the user search attribute).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 4, 5, 6, 8-13, 27-30 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20060136405 to Ducatel et al as applied respectively to claims 3, 1, 25 and 34 above, and further in view of US PGPub 2002/0099700 to Li (hereafter Li).**

**Referring to claim 4**, Ducatel et al disclose processing a search result. However, Ducatel et al fail to explicitly disclose the further limitation wherein processing the search result comprises sorting the search result. Li also discloses processing a search result after expanding a query (see [0029], lines 1-3 and 7-10), including the

further limitation wherein processing the search result comprises sorting [organizing the query results by category] the search result (see [0029], lines 1-3) in order to provide a focused search that addresses scalability issues concerning the Web and to also provide higher quality search results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of sorting search results as disclosed by Li with the search results of Ducatel et al since the method of Ducatel et al can be utilized in conjunction with existing standard search engines or specifically configured search engines (Ducatel et al: see [0001], lines 5-12). One would have been motivated to do so in order to provide a focused search that addresses scalability issues concerning the Web and to also provide higher quality search results (Li: see [0005], lines 7-9).

**Referring to claim 5**, Ducatel et al disclose a search query. However, Ducatel et al fail to explicitly disclose the further limitation wherein the search query comprises an implicit search query. Li also discloses expanding a query, including the further limitation wherein the search query comprises an implicit search query (see [0029], lines 7-10) in order to provide results that are not only relevant to the query keyword but also to the topic category.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the implicit search query as disclosed by Li as the search query of Ducatel et al. One would have been motivated to do so in order to provide results that are not only relevant to the query keyword but also to the topic category, as

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a way to increase the quality of the search results returned to the user (Li: see [0005], lines 7-9).

**Referring to claim 6**, Ducatel et al disclose a search query. However, Ducatel et al fail to explicitly disclose the further limitation wherein the search query comprises an explicit search query. Li also disclose a search query for use with a search engine (see abstract), including the further limitation wherein the search query comprises an explicit search query (see [0064], lines 3-7) in order to provide results that are not only relevant to the query keyword but also to the topic category.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the explicit search query as disclosed by Li as the search query of Ducatel et al. One would have been motivated to do so in order to provide results that are not only relevant to the query keyword but also to the topic category, as a way to increase the quality of the search results returned to the user (Li: see [0005], lines 7-9).

**Referring to claim 8**, Ducatel et al disclose processing a search query. However, Ducatel et al fail to explicitly disclose the further limitation wherein processing the search query comprises adding the second search term to the implicit search query. Li also discloses expanding a query, including the further limitation wherein processing the search query [implicit query expansion] comprises adding the second search term [category specific keywords] to the implicit search query [implicit query] (see [0014]) in order to provide results that are not only relevant to the query keyword but also to the topic category.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of expanding an implicit search query as disclosed by Li as the step of processing the search query of Ducatel et al. One would have been motivated to do so in order to provide results that are not only relevant to the query keyword but also to the topic category, as a way to increase the quality of the search results returned to the user (Li: see [0005], lines 7-9).

**Referring to claim 9**, Ducatel et al disclose transmitting a search query to a search engine (see abstract). However, Ducatel et al fail to explicitly disclose the further limitation wherein the search engine is associated with an index. Li also discloses a transmitting a query to a search engine [focused search engine] (see [0028], lines 1-4), including the further limitation wherein the search engine associated with an index (see [0031], lines 1-3) in order to provide a search engine the capability of searching the web.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of a search engine being associated with an index as disclosed by Li as the search engine of Ducatel et al. One would have been motivated to do in order to provide a search engine the capability of searching the web since web pages are generally categorized and index (Li: see [0031], lines 1-3).

**Referring to claim 10**, the combination of Ducatel et al and Li (hereafter Ducatel/Li) disclose the method of claim 9, wherein the index comprises a local index [local analysis] (Li: see [0057]).

**Referring to claim 11**, Ducatel/Li discloses the method of claim 9, wherein the index comprises a global index [global analysis] (Li: see [0057]).

**Referring to claim 12**, Ducatel/Li discloses the method of claim 9, further comprising receiving a result set [web pages] from the search engine, the result set comprising a plurality of article identifiers [URL, title, body, link, anchor, highlighted words special fonts, meta keywords, meta descriptions] (Li: see [0031], lines 9-14).

**Referring to claim 13**, Ducatel/Li discloses the method of claim 12, further comprising ranking the article identifiers [categories] based at least in part on the user search attribute [additional keywords] (Li: see [0066]).

**Referring to claim 27**, Ducatel et al disclose processing a search query. However, Ducatel et al fail to explicitly disclose the further limitation wherein processing the search query comprises adding the second search term to the implicit search query. Li also discloses expanding a query, including the further limitation wherein processing the search query [implicit query expansion] comprises adding the second search term [category specific keywords] to the implicit search query [implicit query] (see [0014]) in order to provide results that are not only relevant to the query keyword but also to the topic category.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of expanding an implicit search query as disclosed by Li as the step of processing the search query of Ducatel et al. One would have been motivated to do so in order to provide results that are not only relevant to the



query keyword but also to the topic category, as a way to increase the quality of the search results returned to the user (Li: see [0005], lines 7-9).

**Referring to claim 28**, Ducatel et al disclose transmitting a search query to a search engine (see abstract). However, Ducatel et al fail to explicitly disclose the further limitation wherein the search engine is associated with an index. Li also discloses a transmitting a query to a search engine [focused search engine] (see [0028], lines 1-4), including the further limitation wherein the search engine associated with an index (see [0031], lines 1-3) in order to provide a search engine the capability of searching the web.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of a search engine being associated with an index as disclosed by Li as the search engine of Ducatel et al. One would have been motivated to do in order to provide a search engine the capability of searching the web since web pages are generally categorized and index (Li: see [0031], lines 1-3).

**Referring to claim 29**, Ducatel et al disclose a method for expanding a query. However, Ducatel et al fail to explicitly disclose the further limitation wherein the method further comprises receiving a result set from the search engine, the result set comprising a plurality of article identifiers. Li also discloses expanding a query including the further limitation wherein the method further comprises receiving a result set [web pages] from the search engine, the result set comprising a plurality of article identifiers [URL, title, body, link, anchor, highlighted words special fonts, meta keywords, meta

descriptions] (Li: see [0031], lines 9-14) since article identifiers serve as mechanisms for identifying and locating a particular page.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature associating article identifiers with result sets as disclosed by Li with the search engine of Ducatel et al. One would have been motivated to do in order to increase the usability of results returned to a user since article identifiers serve as mechanisms for identifying and locating a particular page (Li: see [0031], lines 14-17).

**Referring to claim 30**, Ducatel/Li discloses the computer-readable medium of claim 25, further comprising program code for ranking the article identifiers [categories] based at least in part on the user search attribute [additional keywords] (Li: see [0066]).

**Referring to claim 35**, Ducatel et al disclose processing a search result. However, Ducatel et al fail to explicitly disclose the further limitation wherein processing the search result comprises sorting the search result. Li also discloses processing a search result after expanding a query (see [0029], lines 1-3 and 7-10), including the further limitation wherein processing the search result comprises sorting [organizing the query results by category] the search result (see [0029], lines 1-3) in order to provide a focused search that addresses scalability issues concerning the Web and to also provide higher quality search results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the feature of sorting search results as disclosed by Li with the search results of Ducatel et al since the program code of Ducatel et al can be

utilized in conjunction with existing standard search engines or specifically configured search engines (Ducatel et al: see [0001], lines 5-12). One would have been motivated to do so in order to provide a focused search that addresses scalability issues concerning the Web and to also provide higher quality search results (Li: see [0005], lines 7-9).

**9. Claims 7 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20060136405 to Ducatel et al as applied respectively to claims 1 and 25 above, and further in view of US PGPub 2004/0059564 to Zhou (hereafter Zhou).**

**Referring to claim 7,** Ducatel et al disclose processing the search query.

However, Ducatel et al fail to explicitly disclose the further limitation wherein processing the search query comprises replacing the first search term with the second search term. Zhou also processing a search query through query expansion (see abstract), including the further limitation wherein processing the search query comprises replacing the first search term [user's query 605] with the second search term [entries in the confusion set database that match entries in the user's query] (see [0099], lines 1-14) in order to increase the efficiency and accuracy of returned search results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of replacing the first search term with the second search term as disclosed by Zhou with the method of Ducatel et al for processing search queries. One would have been motivated to do so in order to

increase the efficiency and accuracy of returned search results by eliminating keywords in the search query that return undesired results.

**Referring to claim 26**, Ducatel et al disclose processing the search query.

However, Ducatel et al fail to explicitly disclose the further limitation wherein processing the search query comprises replacing the first search term with the second search term. Zhou also processing a search query through query expansion (see abstract), including the further limitation wherein processing the search query comprises replacing the first search term [user's query 605] with the second search term [entries in the confusion set database that match entries in the user's query] (see [0099], lines 1-14) in order to increase the efficiency and accuracy of returned search results.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of replacing the first search term with the second search term as disclosed by Zhou with the program code of Ducatel et al for processing search queries. One would have been motivated to do so in order to increase the efficiency and accuracy of returned search results by eliminating keywords in the search query that return undesired results.

**10. Claims 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20060136405 to Ducatel et al as applied respectively to claims 1 and 25 above, and further in view of US Patent No 6,850,934 to Bates et al (hereafter Bates et al).**

**Referring to claim 14**, Ducatel et al disclose a method of processing a query. However, Ducatel et al fail to explicitly disclose the further limitation of adding the first search term to the user profile. Bates et al also disclose processing a query (see abstract), including the further limitation of adding the first search term [search words] to the user profile [profile data structure] (see column 8, lines 51-56) in order to increase the efficiency and accuracy of subsequent searches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize feature disclosed by Bates et al for adding a search term to a user profile with the method of Ducatel et al for processing the query. One would have been motivated to do so in order to increase the efficiency and accuracy of subsequent searches.

**Referring to claim 31**, Ducatel et al disclose a computer program for processing a query. However, Ducatel et al fail to explicitly disclose the further limitation of adding the first search term to the user profile. Bates et al also disclose processing a query (see abstract), including the further limitation of adding the first search term [search words] to the user profile [profile data structure] (see column 8, lines 51-56) in order to increase the efficiency and accuracy of subsequent searches.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize feature disclosed by Bates et al for adding a search term to a user profile with the computer program of Ducatel et al for processing the query. One would have been motivated to do so in order to increase the efficiency and accuracy of subsequent searches.

**11. Claims 15, 16, 21, 24, 32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PGPub 20060136405 to Ducatel et al as applied respectively to claims 1, 22, 25 and 36 above, and further in view of US PGPub 2004/0267700 to Dumais et al (hereafter Dumais et al).**

**Referring to claim 15**, Ducatel et al disclose a method for processing a query. However, Ducatel et al fail to explicitly disclose the further limitation of identifying a user based on user activity. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of identifying a user associated with the user profile based in part on a user activity [saving, reading, editing, copying hovering on information, selecting information, manipulating information and/or deleting files] (see [0031]) in order to adapt user profiles to changes in the interests of user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying a user based on user activity with the method of Ducatel et al. One would have been motivated to do so in order to have the ability to adapt user profiles to changes in interests of the user (see Ducatel et al: see [0004], lines 1-2).

**Referring to claim 16**, the combination of Ducatel et al et Dumais et al (hereafter Ducatel/Dumais) discloses the method of claim 15, wherein the user activity comprises at least one of a typing pattern and a mouse movement [user commands can be received from a mouse] (see [0032] and [0040], lines 15-16).

**Referring to claim 21**, Ducatel et al disclose a user search attribute. However, Ducatel et al fail to explicitly disclose the further limitation wherein the user search

attribute comprises a user activity. Dumais et al disclose a user search attribute (see [0029]), including the further limitation wherein the user search attribute comprises a user activity (see [0031]) in order to provide search results that have the ability to adapt to changes in interests of the user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying a user based on user activity as the search attribute of Ducatel et al. One would have been motivated to do so in order to provide search results that have the ability to adapt to changes in interests of the user (see Ducatel et al: see [0004], lines 1-2).

**Referring to claim 24**, Ducatel et al disclose a method for processing a query. However, Ducatel et al fail to explicitly disclose the further limitation of marking the user search engine for identification by the search engine. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of marking the user search engine for identification by the search engine (see [0029]) in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying the user search engine with the method of Ducatel et al. One would have been motivated to do so in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources (Dumais et al: see [0029]).

**Referring to claim 32**, Ducatel et al disclose a program code for processing a query. However, Ducatel et al fail to explicitly disclose the further limitation of identifying a user based on user activity. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of identifying a user associated with the user profile based in part on a user activity [saving, reading, editing, copying hovering on information, selecting information, manipulating information and/or deleting files] (see [0031]) in order to adapt user profiles to changes in the interests of user.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying a user based on user activity with the program code of Ducatel et al. One would have been motivated to do so in order to have the ability to adapt user profiles to changes in interests of the user (see Ducatel et al: see [0004], lines 1-2).

**Referring to claim 37**, Ducatel et al disclose a computer program for processing a query. However, Ducatel et al fail to explicitly disclose the further limitation of marking the user search engine for identification by the search engine. Dumais et al disclose a method for processing a query (see abstract), including the further limitation of marking the user search engine for identification by the search engine (see [0029]) in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the feature of Dumais et al of identifying the user search engine with the computer program of Ducatel et al. One would have been motivated to



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do so in order to create a personal browsing system that can be positioned as a general information portal to all of a user's content and key external resources (Dumais et al: see [0029]).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Lovel whose telephone number is (571) 272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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19 September 2006  
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